SUPREME COURT, U. S.

Supreme Court, U.S.
FILED
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E. ROBERT SEAVER, CLERK

No. 616

In the Supreme Court of the United States

OCTOBER TERM, 1970

RICHARD E. STEINBRECHER, PETITIONER

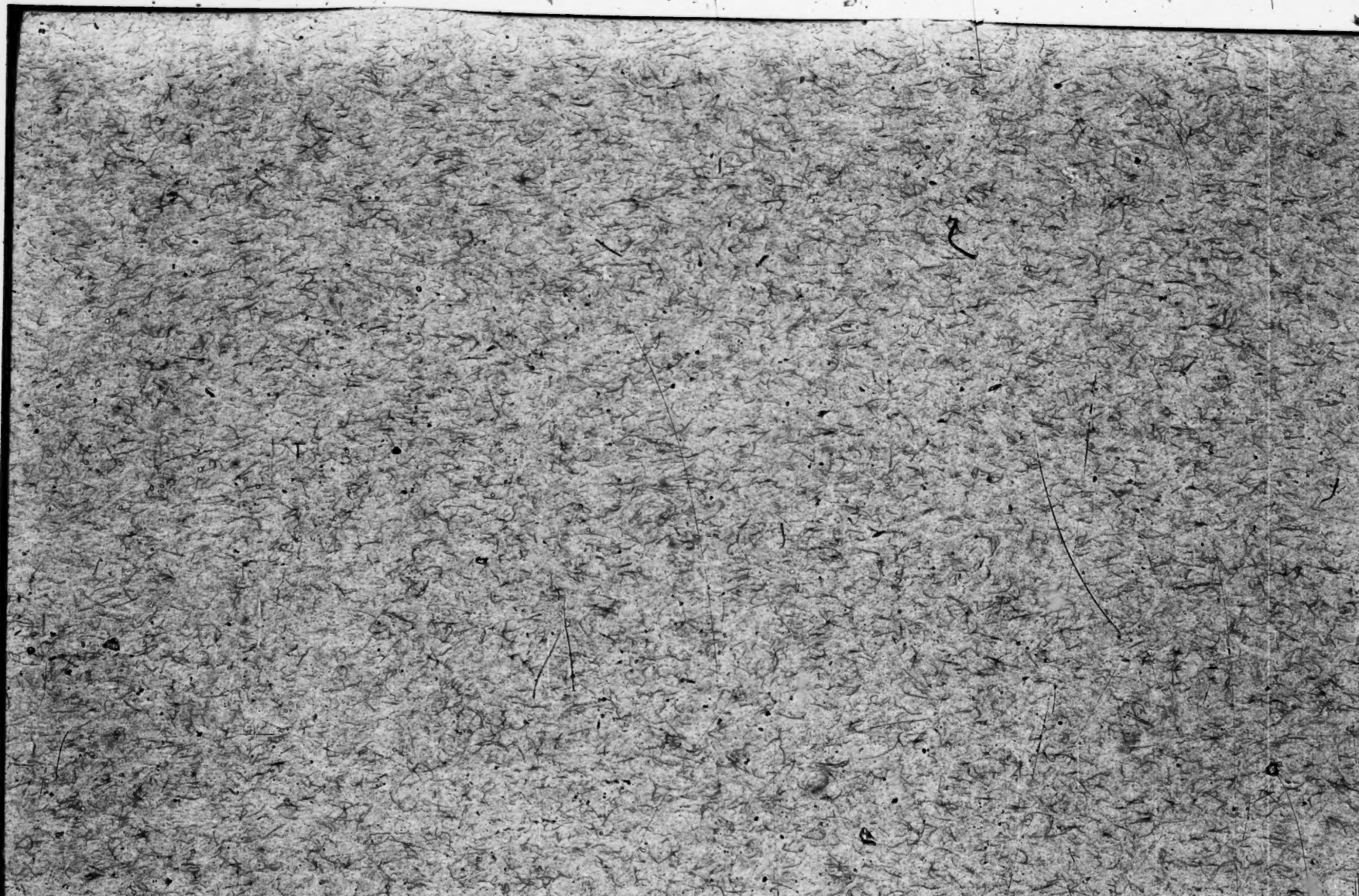
v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.



In the Supreme Court of the United States

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RICHARD E. STEINBRECHER, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury-waived trial in the United States District Court for the Northern District of Illinois, petitioner was convicted of having aided and abetted one Laures in participating in the proceeds of two real estate mortgage loans, in violation of 18 U.S.C. 2 and 1006. The court of appeals affirmed (Pet. App. A).

Petitioner's sole contention is that the trial judge improperly denied his pre-trial motion for discovery and inspection of F.B.I. reports of oral statements given by Laures, who pleaded nolo contendere.

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The motion was denied but subsequently, before trial, the prosecutor exhibited to petitioner's counsel two reports concerning interviews with Laures. Petitioner concedes the correctness of the court of appeals' observation that there is "no evidence that the government had any other statements in its possession" (Pet. 13; Pet. App. A 3), but argues that possibly other favorable statements exist. The United States attorney informs us that he knows of no other statements. It is thus apparent, as the court below held, that petitioner was not prejudiced by the denial of his motion.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

SEPTEMBER 1970.